

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARY KEITH,)
)
)
Plaintiff,)
)
)
v.) No. 11 C 6638
)
)
ALLSTATE INSURANCE COMPANY,)
)
)
Defendant.)

MEMORANDUM ORDER

Allstate Insurance Company ("Allstate") has filed its Answer to the Amended Complaint brought against it by Mary Keith ("Keith"). This sua sponte memorandum order is occasioned by two problematic aspects of that responsive pleading, one of them being a minor nit and the other being substantive in nature.

As for the nit, each of Answer ¶¶2, 66 and 67 includes a demand for "strict proof," whatever that may be (see App'x ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001)). That really meaningless phrase is stricken from those paragraphs (and if this Court's brief screening of the Answer has missed any other instances of the same usage, it is stricken there as well).

As for the more substantive matter, Allstate has added to its denials of virtually every substantive allegation advanced by Keith a passel of affirmative defenses ("ADs"). Some would, if successful, be dispositive of considerable aspects of Keith's claims--yet they are stated in the conclusory fashion that the

current Twombly-Iqbal canon has found wanting in terms of the notice pleading concept that applies to plaintiffs and defendants alike. If Allstate wishes to advance one or more of those ADs, it must do so by an appropriate motion or motions supported by relevant authority, failing which this Court will treat such claimed ADs as having been forfeited.



Milton I. Shadur
Senior United States District Judge

Date: January 6, 2012